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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION**

State of Arizona, *et al.*,

Plaintiffs,

v.

Joseph R. Biden, Jr., in his official capacity as  
the President of the United States of  
America, *et al.*,

Defendants.

Case No. 2:22-cv-1661-SPL

**DEFENDANTS' UNOPPOSED  
MOTION TO EXTEND THE TIME  
TO RESPOND TO THE  
COMPLAINT  
(FIRST REQUEST)**

Defendants hereby move the Court to extend the time for their response to Plaintiffs' complaint. Because Plaintiffs' complaint was served on the United States Attorney for the District of Arizona on October 5, 2022, Defendants' answer to the complaint is currently due on December 5. *See* Fed. R. Civ. P. 12(a)(2); *see also* Fed. R. Civ. P. 6(a)(1)(C). Defendants request that the Court extend that deadline and permit them to file a response to the complaint by January 9, 2023. Plaintiffs consent to this requested extension.

Good cause exists to grant this motion. First, there is no pressing need for this case to be resolved on the merits due to intervening events in related litigation. In particular, the student loan program challenged in this lawsuit already has been enjoined and vacated on a nationwide basis. *See Nebraska v. Biden*, --- F.4th ---, 2022 WL 16912145 (8th Cir. Nov. 14,

1 2022) (granting an injunction pending appeal); *Brown v. U.S. Dep't of Education*, No. 4:22-CV-  
2 908-P, 2022 WL 16858525 (N.D. Tex. Nov. 10, 2022) (entering summary judgment for  
3 Plaintiffs and vacating the program).

4 Second, the requested extension would permit the parties to await further  
5 developments in those related cases, which may significantly inform proceedings in this case.  
6 Defendants have moved to stay the district court's decision in *Brown* pending their appeal, and  
7 they have asked the Supreme Court to stay or narrow the injunction issued by the Eighth  
8 Circuit in *Nebraska*. In both cases, Defendants' motions will be fully briefed by next week,  
9 and decisions on the motions are likely to come soon after. And the eventual decisions on  
10 Defendants' motions may substantially inform this Court's evaluation of Plaintiffs' complaint  
11 in this case. Extending Defendants' answer deadline to January 9, 2023 will enable the parties  
12 to monitor proceedings in *Brown* and *Nebraska* and determine appropriate next steps in this  
13 case in light of any further developments in those related cases.

14 Third, and finally, the requested extension will not prejudice any party in this matter.  
15 Pursuant to Local Rule of Civil Procedure 7.3(b), counsel for Plaintiffs has indicated that  
16 Plaintiffs consent to Defendants' request for an extension of the time to respond to the  
17 complaint. And the requested extension will permit counsel for Defendants adequate time to  
18 prepare a thorough response to the complaint while balancing pressing deadlines in several  
19 significant matters that overlap with the current deadline for Defendants' answer here, as well  
20 as anticipated personal leave during the upcoming holiday season.

21 So that the parties may monitor proceedings in related litigation that may substantially  
22 inform the proper course of proceedings in this case, and so that Defendants' will have  
23 adequate time to prepare a thorough and appropriate response to the complaint, Defendants  
24 request that the Court extend the time to respond to the complaint to January 9, 2023.

25 A proposed order is attached.  
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1 Dated: November 23, 2022

Respectfully submitted,

2 BRIAN M. BOYNTON  
3 Principal Deputy Assistant Attorney General

4 MARCIA BERMAN  
5 Assistant Branch Director

6 /s/ Cody T. Knapp  
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